

Remarks

I. Introduction

This is in response to the Office Action dated January 3, 2007. The Office Action rejected claims 1, 10, 19, and 32 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,996,406 (Lecton). The Office Action also rejected claims 1-6, 8-15, 17-26, 28-29, 32-37, 39, 40, and 41 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,477,363 (Ayoub) in view of U.S. Patent No. 6,647,267 (Britt). The Office Action also rejected claims 7, 16, 27, and 38 under 35 U.S.C. §103(a) as being unpatentable over Ayoub and Britt in view of U.S. Patent No. 6,725,049 (Williams). The Office Action also rejected claims 30, 31, and 42 under 35 U.S.C. §103(a) as being unpatentable over Ayoub and Britt in view of U.S. Patent No. 6,054,928 (Lemelson).

In response, Applicants amend claims 1, 9, 10, 18, 19, 29, 32, and 41. Claims 1-42 remain for consideration.

II. Rejections under 35 U.S.C. §102

Claims 1, 10, 19, and 32 were rejected under 35 U.S.C. §102(e) as being anticipated by Lecton. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Lecton does not show each and every limitation of claims 1, 10, 19, and 32 under 35 U.S.C. §102(e). Therefore, Applicants request the withdrawal of the rejections under 35 U.S.C. §102(e).

The present invention is generally directed to determining the location of a mobile communication device and then linking metadata representing the determined mobile communications device location and representing call related data to audio stream data. At a communications terminal, the metadata is extracted from the audio stream data and the location of the mobile

communications device is determined. The call related data can include calling/called party identification, trunk identification, call record identification, billing number identification, tracking identification, etc. which would support data searching, data mining, and/or data linking activities.

Independent claim 1 reflects the above described aspects of the present invention. In particular, independent claim 1 claims the limitation of:

means for linking metadata representing the determined mobile communications device location and call related data, to audio stream data sent from that mobile communications device for a wireless communications call.

Lecture does not disclose these limitations of independent claim 1, and therefore cannot anticipate claim 1 under the strict anticipation standard of §102.

Lecture is directed to a personal radio service (PRS) device configured to engage in private, short-range two-way voice communications with another PRS device in range of the PRS device. The PRS device can include a GPS receiver disposed in the PRS device; and, a radio frequency (RF) transceiver. The RF transceiver can be configured both to modulate and transmit voice communications and positioning data received from the GPS receiver, and also to demodulate voice communications and positioning data received from the GPS receiver, and also to demodulate voice communications and positioning data received from other PRS devices in range of the PRS device.

Lecture does not disclose the claimed limitations. In particular, Lecture does not disclose linking metadata representing a determined mobile communication device location. Lecture discloses "a personal radio services (PRS) apparatus uniquely combined with a GPS system so as to provide location based data both to the user of the PRS apparatus and to a companion party communicatively linked to the PRS apparatus in a two-way voice communications session." (Lecture, col. 2, lines 25-33).

Thus, Lection discloses providing location based data to the user of the PRS apparatus as well as to a companion party linked to the PRS apparatus. Lection's "location based data" is not metadata representing a determined mobile communication device location.

Furthermore, Lection does not disclose linking metadata representing the determined mobile communications device location and call related data, to audio stream data. Lection does disclose a voice communications link and a data link but does not disclose call related data or metadata representing call related data. Lection also does not disclose linking this metadata to audio stream data.

These distinctions render Lection unable to anticipate claim 1 under §102. As a result, for the reasons discussed above, independent claim 1 is allowable over the cited art. For similar reasons, independent claims 10, 19, and 32 are also allowable over the cited art.

III. Rejections under 35 U.S.C. §103

Claims 1-6, 8-15, 17-26, 28-29, 32-37, and 39-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ayoub in view of Britt. None of the cited references, either alone or in combination, disclose Applicants' invention.

As described above, the present invention is generally directed to determining the location of a mobile communication device and then linking metadata representing the determined mobile communications device location and call related data, to audio stream data. At a communications terminal, the metadata is extracted from the audio stream data and the location of the mobile communications device is determined. The call related data can include calling/called party identification, trunk identification, call record identification, billing number identification, tracking identification, etc.

The Office Action relies on Ayoub in view of Britt as disclosing the limitations claimed in amended claim 1.

Amended claim 1 claims the limitation:

means for linking metadata representing the determined mobile communications device location and call related data, to audio stream data sent from that mobile communications device for a wireless communications call.

Neither Ayoub nor Britt disclose this limitation claimed in independent claim 1.

Ayoub is directed to a system and method for communicating the location of an emergency caller through a telephone network using a mobile telephone set having a location detection unit. The position data is translated into a stream of audio tones to be transmitted while the call connection is in progress.

(Abstract).

The Office Action refers to col. 4, lines 7-15 and col. 4, lines 20-35 of Ayoub. In col. 4, lines 7-15, Ayoub discloses a GPS module calculating the position of the mobile telephone resulting in longitude and latitude. In col. 4, lines 20-35, Ayoub discloses the position being translated into audio tones and transmitted through voice channel of the telephone. The Office Action states that Ayoub "fails to explicitly teach linking metadata representing the determined mobile communications device location and call related data to audio stream data." (Office Action, page 4). The Office Action relies on Britt to cure the deficiencies of Ayoub.

Britt does not cure the deficiencies of Ayoub. Britt is directed to a transmitter used for communicating over a cellular system. The transmitter includes "a data storage device electronically storing predefined information to be communicated to a receiving station over the cellular system. The predefined information may include one or more telephone numbers to be contacted in an

emergency, medical information, or any other type of information. A position finding receiver such as a global position system, for example, is provided for determining the current geographic location of the transmitter. The transmitter also includes a signal processing element for providing a signal that includes the predefined information and the current location. A transmission element receives the signal from the signal processing element and, in response thereto, transmits a cellular signal that includes both the predefined information and the current location. A manually operable actuator is included to establish communication with a receiving party over the cellular system and to initiate transmission of the cellular signal thereto.” (Abstract).

The Office Action cites col. 1, lines 42-60 of Britt as disclosing a “cellular terminal for transmitting predefined information and current location information using a cellular signal to a receiving station.” Col. 2, line 45 – col. 3, line 36 of Britt states that the predefined information can include “data pertaining to the cellular telephone user such as a child's home telephone number as well as personal data.”

Britt does not, however, disclose metadata representing both the determined mobile communications device location and call related data. Britt instead discloses that “emergency data and location information are in turn forwarded to receiving station 24” in col. 3, line 24. Britt does not, however, disclose metadata representing the device location and call related data.

Furthermore, although Britt describes transmitting data such as emergency data and location information to a receiving station, Britt does not disclose linking metadata to an audio stream. As a result, Britt does not disclose all of the limitations of claim 1. Therefore, amended claim 1 is allowable over Ayoub alone or in combination with Britt.

Independent claims 10 and 19 claim the limitation of “means for linking metadata representing the determined mobile communications device location and call related data,” to audio stream data sent from the mobile communications device. Independent claim 32 also claims the limitation of linking metadata

representing the determined mobile communications device location and call related data, to audio stream data sent from that mobile communications device for a wireless communications call.

Therefore, independent claims 10, 19, and 32 are allowable over Ayoub in view of Britt for reasons similar to those discussed above in conjunction with claim 1. Allowance of the independent claims is requested. All remaining claims are dependent upon an allowable independent claim and are therefore also allowable. In addition, the dependent claims add additional patentable subject matter and are also allowable for the reasons discussed below.

Dependent claims 30, 31 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ayoub and Grimes and further in view of Lemelson. Dependent claims 30, 31 and 42 claim the limitation of wherein the communications terminal is a surveillance device as well as a recording device connected into and/or to the call for recording the audio stream data and linked metadata. The Office Action admits that Ayoub and Britt fail to disclose this limitation and relies on Lemelson to cure the deficiencies of Ayoub and Grimes.

Lemelson discloses a system and method for tracking, monitoring, and learning prisoner or parolee behavior that includes a monitoring computer that cooperates with a satellite global positioning system to determine a subject's current location which is periodically transmitted to the monitoring station for surveillance. Lemelson does not, however, disclose a communications terminal being a surveillance device as well as a recording device for recording the audio stream data and linked metadata. Lemelson instead discloses a voice recorder unit "used to record individual voice messages and also to provide voice response messages such as audible messages to security personnel in response to inquiries from such personnel via radio links." (Col. 14, lines 17-24). Therefore, neither Ayoub, Britt, nor Lemelson disclose the limitations claimed in dependent claims 30, 31, and 42.

IV. No New Matter Has Been Added

The amendments to claims 1, 9, 10, 18, 19, 29, 32, and 41 do not add new matter. Support for the claim amendments are shown throughout the Specification and originally filed claims and at least at page 5, lines 8-13 of the Specification.

V. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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